

**City of York Board of Zoning Appeals  
Minutes  
March 14, 2022**

**Members Present:**

Chairperson James Ramere  
Becca Caldwell  
Rodney Blair  
Jill Neff  
Myra Sinz  
Strauss Shiple  
Bryant Brown

**Members absent:**

**Others present:**

Planning Director Breakfield  
Zoning Administrator Blackston  
(see sign-in sheet)

Chairperson James Ramere called the meeting to order at 6 pm.

**The first item of business** was approval of the draft Minutes from the December 13, 2021 meeting. Upon a Motion by Becca Caldwell, seconded by Bryant Brown, the Board of Zoning Appeals (BZA) unanimously approved the Minutes as submitted.

**The second item of business** was a variance request regarding the required setbacks for the Take 5 Car Wash project on East Liberty Street near Cooperative Way.

Chairperson Ramere convened a public hearing regarding the application, announced an order of business for the public hearing and requested that City staff provide information regarding the application.

Planning Director Breakfield indicated the following regarding the application:

1. The second item of business was a variance application for the proposed Take 5 Car Wash to be located near the intersection of Cooperative Way and East Liberty Street.
2. The applicant was Boing US HOLDCO Inc. and the property is referenced by York County Tax Map Id # 0701601395.
3. The property is currently located in the City's Highway Commercial and Gateway Corridor Overlay District.
4. The following minimum setbacks are required by the Zoning Ordinance:
  - a. **Car wash building:** 75 feet from the centerline of East Liberty Street and 25 feet from the right-of-way of East Liberty Street
  - b. **Car wash freestanding sign:** 75 feet from centerline of East Liberty Street and 10 feet from the right-of-way of East Liberty Street

5. The applicant requested approval of the variance application and supporting information provided in the meeting packet. In particular, the applicant requested a variance from the previously-mentioned setback requirements for the proposed car wash building and freestanding sign per the site plan included in the meeting packet.
6. As the variance application and supporting information are reviewed, the BZA must be mindful that the following criteria must be met before a variance can be issued. **The criteria should be included and addressed in a BZA Motion.**
  - a. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
  - b. These conditions do not generally apply to other property in the vicinity;
  - c. Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
  - d. The authorization of a variance will not be of substantial detriment to adjacent property or the public good, and the character of the district will not be harmed by the granting of the variance.
7. Please be mindful that the BZA has a maximum of 75 days from the initial official meeting regarding this application to review and make a decision regarding this application; otherwise, the application is deemed approved.
8. If the application is denied by the BZA, the same application cannot be submitted again for a period of at least one (1) year.
9. The BZA must conduct a public hearing(s), receive public feedback and make a final decision on the matter. The public hearing for this application is scheduled for this meeting.
10. As with all public hearings, the agenda was posted to a local newspaper, the City's website and at York City Hall; all adjacent property owners were notified by mail; the Public Hearing was duly advertised in a local newspaper and Public Hearing signage was posted on each affected property.

After closing the public hearing, discussion by the BZA and upon a Motion by Becca Caldwell, seconded by Jill Neff, the BZA approved the variance application as submitted noting compliance with each of the previously-noted variance requirements. Myra Sinz voted in opposition to the Motion.

There being no further business, the meeting was adjourned at 6:19 pm.

Respectfully submitted,

C. David Breakfield Jr., MCP, AICP  
Planning Director

Amanda Blackston,  
Zoning Administrator

cc: City Manager Seth Duncan  
File- Board of Zoning Appeals 3/14/2022